

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed September 15, 2006, is respectfully requested. Claims 1 and 11 have been amended. Claims 2 and 12 have been canceled without prejudice. Claims 1 and 11 were amended to include the limitations from claims 2 and 12, respectively. Therefore, these amendments were made without introducing any new matter. Claims 1, 3-11, and 13-20 remain pending.

Mailing Address

Applicants thank the Examiner for advising that the Office Action mailed on September 15, 2006 was returned as undeliverable to the PTO on September 25, 2006. Applicants enclose herewith a Revocation and New Power of Attorney, which requests that all correspondence be directed to John Kappos at Customer Number 34263.

Claim Objections

Claims 2, 6, 9, 12, 16, and 19 were objected to for allegedly being unclear as to which lesion the claims refer. Claims 2 and 12 have been canceled. Therefore, the rejections to these claims are now moot. Claims 6, 9, 16, and 19 have been amended to correct antecedent basis.

Information Disclosure Statement

Applicants thank the Examiner for returning initialed copies of Form PTO/SB/08A, which was submitted with the Information Disclosure Statement filed December 29, 2003. Applicants note, however, that the Examiner did not initial Reference AU (WO 99/45835). For the Examiner's

convenience, a copy of WO 99/45835 is included herewith. Applicants respectfully request return of the Form PTO/SB/08A with acknowledgement of WO 99/45835.

Art Rejections

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Zadno-Azizi (WO 98/38930). The Examiner has taken the position that Fig. 18 and the associated text (see page 13, line 30 - page 14, line 6) describe all the elements of the claim.

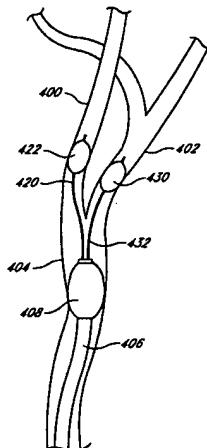


FIG. 18

As seen in Fig. 18, however, an additional expandable member (numeral 422) is also used to occlude the internal carotid artery (numeral 400). The independent claims have been amended to require that "*blood flow in the internal carotid artery is reversed to pass over the lesion and toward the common carotid artery.*" Because the additional expandable member in Fig. 18 of Zadno-Azizi is occluding the internal carotid artery, blood flow in the internal carotid artery cannot be reversed to pass over the lesion, as required by the claims. Therefore, Zadno-Azizi actually teaches away from the claims as amended.

Therefore, claims 1 and 11 are patentably distinct from the cited reference. Claims 3-10 and 13-20 depend from claims 1 and 11, respectively, and are patentably distinct for the same reasons.

Double Patenting

Claims 1-20 were rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 1-19 of U.S. Patent No. 6,626,886. Claims 1-20 were also rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 1 and 5-8 of U.S. Patent No. 6,146,370. Claims 1-20 were also rejected on the ground of obviousness-type double patenting as allegedly unpatentable over claims 1 and 7-10 of U.S. Patent No. 6,623,471. Without conceding the propriety of the rejections, a terminal disclaimer is filed herewith.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,
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